

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of STEPHANIE MARIE CHAPLIN,  
Minor.

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TRACY LEE POLASKI and JEFFREY SCOTT  
POLASKI,

UNPUBLISHED  
February 5, 1999

Petitioners-Appellees,

v

No. 211653  
Menominee Family Court  
LC No. 98-000038

JERRY BEBO, JR., a/k/a GERALD S. BEBO, JR.,

Respondent-Appellant,

and

SHANNON BROOKS,

Respondent.

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Before: Gribbs, P.J., and Saad and P.H. Chamberlain\*, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the family court order terminating his parental rights to the minor child under § 39 of the Adoption Code, MCL 710.39; MSA 27.3178(555.39). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

The trial court's failure to explicitly state the statutory basis for termination does not require reversal where it is clear from the court's comments at the termination hearing that it was relying on § 39(1) as the statutory basis for termination. Furthermore, the trial court did not clearly err in finding that the requirements for termination of parental rights under § 39(1) were established by clear and convincing evidence. *In re Hill*, 221 Mich App 683, 691; 562 NW2d 254 (1997).

The trial court's determination that respondent-appellant failed to provide support or care for the mother or child within the meaning of § 39(2) is not clearly erroneous. *In re Gaipa*, 219 Mich App 80, 85-86; 555 NW2d 867 (1996). Although respondent-appellant claims that respondent Brooks and the child's foster parents impeded his efforts to provide support and care by telling him that he was not the child's father, there is no support for these claims in the record.

Finally, the failure to file a proof of service in accordance with MCR 5.104(A)(1) and any error regarding the propriety of service with regard to respondent-appellant's notice of the termination hearing does not require reversal because respondent-appellant appeared at the hearing and sought custody of the child, and failed to challenge or raise the issue of sufficiency of service or notice. See *In re Gillespie*, 197 Mich App 440, 446-447; 496 NW2d 309 (1992).

Affirmed.

/s/ Roman S. Gribbs  
/s/ Henry William Saad  
/s/ Paul H. Chamberlain